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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/950,033	09/10/2001	John W. Yount	25110A	1720

22889 7590 06/09/2003.

OWENS CORNING  
2790 COLUMBUS ROAD  
GRANVILLE, OH 43023

EXAMINER
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EL ARINI, ZEINAB

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 06/09/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/950,033

Applicant(s)

YOUNT, JOHN W.

Examiner

Zeinab E. EL-Arini

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 33 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

The amendment and remarks filed April 14, 2003 have been acknowledged and entered.

The objection to the oath stated in paper No. 5 is maintained.

The rejections under 35 USC. 112, second paragraph, and under 35 USC. 103(a) stated in paper No. 5 have been withdrawn in view of applicant's amendment and remarks.

Claims 1-25 are pending.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, line 2, "may be" is indefinite term.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulligan et al. (6,454,873) new reference, in combination with Yount (4,300,955) and Dong (6,251,224).

Mulligan et al. teach a process for reclaiming fibrous and a resinous residue from a resinous fibrous product. The process involves the use of a continuous batch tunnel machine. The reference teaches introducing the waste fiberglass or the resinous fibrous product into the machine; establishing an acid loop having a tank; introducing said resinous fibrous product to an acid bath heated to approximately 200 degrees Fahrenheit; removing the acid bath solution and the resinous residue from the machine; rinsing the fiber portion to remove any residual acid bath solution and resinous residue; removing the fiber portion from said machine, and dewatering the fiber portion. The reference teaches the multi-chamber machine, the acid bath solution, the ratio between the acid and water (approximately a 10% concentration of phosphoric acid). The reference teaches recovering a resinous residue from a resinous fibrous product as claimed. See the abstract, Fig. 1, col. 1, line 43- col. 3, line 44, and the claims.

Mulligan et al. do not teach applying a sizing composition to the fiber portion, forming a fiberglass mat, using a single chamber, drying the fiber, forming slurry, and selecting the acid as a function of the type of resinous residue found on the resinous fibrous product as claimed.

Yount as discussed supra in paper No. 5 teaches a process for removing a resinous coating from fiberglass products. The reference teaches the acid, using one

treatment tank, the drying step, the concentration range, and recycling into the market place as claimed. See the document in general.

Dong as discussed supra in paper No. 5 teaches a method of forming mat from glass fibers. Dong teaches adding the sizing composition, drying the fiber, forming slurry, and the bicomponent mats may be made using conventional equipment in a batch, semi-batch, or a continuous process. See col. 9, lines 6-65, col. 7, lines 8-35, col. 8, lines 46-63, col. 5, lines 12-22, col. 4, lines 1-34, the abstract, and the claims.

It would have been obvious for one skilled in the art to use the drying and the concentration range taught by Yount in the Mulligan et al. process to obtain the claimed process. This is because drying the fiber portion in an oven is well known in the art. It would have been obvious for one skilled in the art to use single chamber in the Mulligan et al process to obtain the claimed process. This is because it depends on the quantity of the residue in the fiberglass products, one can use single chamber or more than one chamber to obtain optimum results. It would have been obvious for one skilled in the art to use the sizing, forming the mat, and drying steps taught by Dong in the Mulligan et al. process to obtain the claimed process. This is because one skilled in the art would recycle the fiberglass in the form of mat or any form, and using the residues as nitrogen fertilizer as claimed. This is because all references are from the same technical endeavor which is reclaiming fibers or recovering resinous residue from a resinous fibrous product.

***Response to Arguments***

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeinab EL-Arini whose telephone number is (703)308-3320. The examiner can normally be reached on Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (703)308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

ZEE  
June 8, 2003

*Zeinab El-Arini*

**ZEINAB EL-ARINI  
PRIMARY EXAMINER**